



OH Focuses on Encouraging Brownfields Redevelopment

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If a proposed bill is passed, Ohio's brownfields redevelopment program could pick up steam. There are reportedly more than 1,600 sites in Ohio characterized as brownfields sites, though many believe that the number could be much higher. Until recently, despite federal and state endorsement of brownfields redevelopment programs, funding for brownfields redevelopment projects has been scarce. Earlier this month, Ohio's Governor Taft sent to the Ohio House his proposal for \$400M in new bonds to fund environmental projects. If passed, brownfields redevelopment projects would receive \$200M in funding and the other \$200M would be used for open space preservation. A decision is expected this week as to whether the proposal will go before Ohio voters in November. Currently, brownfields redevelopment projects in Ohio are regulated through the state's Voluntary Action Program, which grants companies protection from liability. Although the law protects companies from being sued by Ohio, the state does not have a memorandum of understanding (MOU) in place to also protect private firms from U.S. EPA legal action. Many neighboring states, including Illinois, Indiana, Michigan, Wisconsin and Minnesota, have an MOU in place, which is, in effect, a promise by the federal agency not to sue companies that complete the state plan. Ohio's government believes that the lack of an MOU is dissuading many companies and bank lenders from getting involved in brownfields site restoration. Although Ohio applied for an MOU from EPA in January, the state must revise its VAP program before an MOU will be granted. Among the likely improvements to the VAP program are more stringent cleanup standards, more disclosure about contamination and exposures, and improved risk assessment requirements.